



PLANNING & ZONING
COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2432
ORANGE BEACH, ALABAMA 36561



**ORANGE BEACH
PLANNING COMMISSION
REGULAR MEETING**

**Monday, January 8, 2024, 4:00 PM
City Hall, City Council Chamber
4099 Orange Beach Boulevard**

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. APPROVAL OF AGENDA

F. CONFLICTS OF INTEREST

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS

1. Approval of minutes from the Work Session on December 11, 2023.
2. Approval of minutes from the Regular Meeting on December 11, 2023.

H. PUBLIC HEARINGS

1. **Case No. 1108-ZT-23, Zoning Text Amendment, Section 5.28, Storage on Vacant Residential Lots**

The Community Development Department requests recommendation to the City Council for approval of **Zoning Text Amendment** to add a new section to Article 5 of the Orange Beach Zoning Ordinance regarding the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots. *Deferred from the Regular Meeting on December 11, 2023.*

I. SITE PLAN REVIEWS

1. **Case No. 0102-SP-24, Keel Boat & RV Storage, Phase 3**

Lieb Engineering Company, on behalf of FM Holdings LLC, requests approval of **Site Plan Review** to construct a 40' by 60' open storage structure or pole barn. The property is located at 27103 Canal Road in the General Business (GB) zoning district.

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

Minutes

Orange Beach Planning Commission Work Session

December 11, 2023 3:00 PM

Council Chambers - Orange Beach Municipal Complex

4099 Orange Beach Boulevard

A. CALL TO ORDER

Chairman Stuart called the meeting to order at 3:02 PM.

B. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries

Commissioner Annette Mitchell

Commissioner Pat Simpson

Commissioner Jack Robertson

Commissioner Glenn Smith

Commissioner Lannie Smith

Vice-Chairman Kathy Lindsey

Chairman Robert Stuart

Staff Present:

Kit Alexander, Community Development Director

Griffin Powell, City Planner

Sherri Descalzo, P&Z Coordinator

Sean Brumley, GIS Specialist

Jamie Logan, City Attorney

C. DISCUSSION ITEMS

1. Case No. 1108-ZT-23, Zoning Text Amendment, Section 5.28, Storage on Vacant Residential Lots

The Community Development Department requests recommendation to the City Council for approval of a **Zoning Text Amendment** to add a new section to Article 5 of the Orange Beach Zoning Ordinance regarding the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots. *Deferred from the Regular Meeting on November 13, 2023.* Griffin Powell requested that this item be deferred to the January 8, 2024, Planning Commission meeting.

2. Case No. 1201-SD-23, Replat of Lot 2 of F.B.C. Subdivision & Lots 99-103 of Oak Ridge Subdivision

First Baptist Church of Bay Minette, Lawson & Camelia Miller, Jeff & Lori Brumfield, James & Bertha Thompson, Aaron & Teresa Nicholson, and Zackery & Kimberly Ann Smith-Kalinauskas request approval of a **Preliminary and Final Minor Subdivision** to subdivide a portion of Lot 2 of F.B.C. Subdivision and add the subdivided portion to the rear sides of Lots 99 through 103 of Oak Ridge Subdivision. The properties are located at 25609, 25577, 25555, 25537, and 25511 Oak Ridge Drive West in the Mobile Home Subdivision (MHS) zoning district and Lot 2 of F.B.C. Subdivision in the Single-Family Residential (RS-1) zoning district. Griffin Powell presented to the Planning Commission.

Chairman Stuart asked whether wetlands are present on the property to be added to the Oak Ridge Drive lots. Griffin Powell stated that wetlands are present on the property.

3. Case No. 1203-PUD-23, Turquoise Place North PUD

Forrest Daniell & Associates PC, on behalf of October Investments LLC, requests a recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 18.5

acres located at 26303 and 26427 Perdido Beach Boulevard from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a 7-story, 90-unit condominium along with amenities and to rezone 1.2 acres located at 26302 Perdido Beach Boulevard to PUD for a 3-story, 2-unit condominium along with amenities and parking for beach access. Griffin Powell presented to the Planning Commission.

Commissioner Robertson asked if the condominium on the north side of the road will be six stories. Griffin Powell said the proposal is for a 6-story condominium above parking on the first level. Kit Alexander stated the condominium on the south side is two condominium units with amenities. Twenty-one parking spaces will be provided at the beach access for the condo on the north side of Perdido Beach Boulevard. Kit Alexander said the project includes a 15-foot access for first responders, beach management and beach services.

4. **Case No. 1204-PUDA-23, Pandion Ridge PUD Modification, Manager's Mobile Home Unit**

Sawgrass Consulting LLC, on behalf of Sun Pandion Ridge LLC, requests a recommendation to City Council for approval of a **Major PUD Modification** to the Pandion Ridge Planned Unit Development (PUD) to allow for one mobile home unit in Phase 3 of the resort to serve as a residence for the site manager. The site for the mobile home unit will be on Wild Boar Circle. Griffin Powell presented to the Planning Commission.

5. **Case No. 1206-SD-23, Ammons Subdivision, Lots 31&32, Canal Place, Unit 2 Subdivision**

Linder Surveying Consultants, on behalf of James & Laralei Ammons, requests approval of a **Preliminary and Final Minor Subdivision** to combine Lots 31 and 32 of Canal Place, Unit 2 Subdivision into one lot. The property is located on the south side of Canal Road, east of Alabama Credit Union, in the Single-Family Residential (RS-1) zoning district. Griffin Powell presented to the Planning Commission.

6. **Case No. 1202-SP-23, Emerald Coast Carpet Cleaning**

Engineering Design Group, on behalf of Jamison Haber, requests approval of a **Site Plan Review** to construct a 3,600+ SF building that will serve as the office for Emerald Coast Carpet Cleaning. The property is located at 4395 Canal Square Lane in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

7. **Case No. 1205-SP-23, Canal Road Gas Station**

Goodwyn Mills Cawood LLC, on behalf of Divyesh Patel, requests approval of a **Site Plan Review** to construct a 4,500+ SF gas station/convenience store. The property is located at 26787 Canal Road in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Kit Alexander, CDD Director, stated Woody Speed, CDD Environmental Scientist, worked with the applicant to save the majority of the large trees onsite.

Commissioner Jeffries asked whether the gas pump spaces count toward the required parking and Griffin confirmed that they are counted as required parking spaces.

8. **Case No. 1008-SD-23, Wharf Landing Phase 1 Subdivision**

Sawgrass Consulting LLC, on behalf of The Wharf Landing LLC, requests approval of a **Preliminary and Final Minor Subdivision** to replat 92.6 acres into three lots. The property is located on Brown Lane, east of the Foley Beach Express, in the former Bama Bayou Planned Unit Development (PUD). *Deferred from the Regular Meeting on November 13, 2023.* Griffin Powell said the applicant is requesting this item to be deferred to the January 8, 2024, Planning Commission meeting.

D. ADJOURN

Adjourned at 3:34 PM

Kit Alexander

Robert Stuart, Chairman

**NOTE: THESE DRAFT MINUTES HAVE NO LEGAL STATUS UNTIL APPROVED
BY THE BOARD OF COMMISSION FROM WHICH THEY ARE TAKEN**

Minutes
Orange Beach Planning Commission
December 11, 2023 4:00 PM
Council Chambers - Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

Chairman Stuart called the meeting to order at 4:00 PM.

B. INVOCATION

Commissioner Simpson gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Annette Mitchell
Commissioner Pat Simpson
Commissioner Jack Robertson
Commissioner Glenn Smith
Commissioner Lannie Smith
Vice-Chairman Kathy Lindsey
Chairman Robert Stuart

Staff Present:

Kit Alexander, Community Development Director
Griffin Powell, City Planner
Sherri Descalzo, P&Z Coordinator
Sean Brumley, GIS Specialist
Jamie Logan City Attorney

E. APPROVAL OF AGENDA

There were no changes to the agenda and the agenda stands approved as submitted.

Kit Alexander, Community Development Director, asked for Case No. 1203-PUD-23 to be moved to the end of the Public Hearings section. Chairman Stuart agreed.

F. CONFLICTS OF INTEREST

None

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS

There were no changes to the minutes and the minutes stand approved as submitted.

1. Approval of minutes from regular Planning Commission meeting on November 13, 2023.

H. PUBLIC HEARINGS

1. **Case No. 1108-ZT-23, Zoning Text Amendment, Section 5.28, Storage on Vacant Residential Lots**

The Community Development Department requests a recommendation to City Council for approval of a **Zoning Text Amendment** to add a new section to Article 5 of the Orange Beach Zoning Ordinance regarding the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots. *Deferred from the Regular Meeting on November 13, 2023.* Griffin Powell asked for this case to be deferred to the January Planning Commission meeting.

Motion to defer the item to the January 8, 2024 meeting.

Motion made and seconded (Jeffries/Simpson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice-Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0).

2. **Case No. 1201-SD-23, Replat of Lot 2 of F.B.C. Subdivision & Lots 99-103 of Oak Ridge Subdivision**

The First Baptist Church of Bay Minette, Lawson & Camelia Miller, Jeff & Lori Brumfield, James & Bertha Thompson, Aaron & Teresa Nicholson, and Zackery & Kimberly Ann Smith-Kalinauskas request approval of a **Preliminary and Final Minor Subdivision** to subdivide a portion of Lot 2 of F.B.C. Subdivision and add the subdivided portion to the rear sides of Lots 99 through 103 of Oak Ridge Subdivision. The properties are located at 25609, 25577, 25555, 25537, and 25511 Oak Ridge Drive West in the Mobile Home Subdivision (MHS) zoning district and Lot 2 of F.B.C. Subdivision in the Single-Family Residential (RS-1) zoning district.

Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

Motion to approve the Preliminary and Final Minor Subdivision subject to staff comments.

Motion made and seconded (Lindsey/Jeffries) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice-Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0).

3. **Case No. 1206-SD-23, Ammons Subdivision, Lots 31&32, Canal Place, Unit 2 Subdivision**

Linder Surveying Consultants, on behalf of James & Laralei Ammons, requests approval of a **Preliminary and Final Minor Subdivision** to combine Lots 31 and 32 of Canal Place, Unit 2 Subdivision into one lot. The property is located on the south side of Canal Road, east of the Alabama Credit Union, in the Single-Family Residential (RS-1) zoning district. Griffin Powell presented to the Commission. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

Motion to approve the Preliminary and Final Minor Subdivision subject to staff comments.

Motion made and seconded (Mitchell/Robertson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice-Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0).

4. **Case No. 1204-PUDA-23, Pandion Ridge Pandion ridge PUD Modification, Manager's Mobile Home Unit**

Sawgrass Consulting LLC, on behalf of Sun Pandion Ridge LLC, requests a recommendation to City Council for approval of a **Major PUD Modification** to the Pandion Ridge Planned Unit Development

(PUD) to allow for one mobile home unit in Phase 3 of the resort to serve as a residence for the site manager. The site for the mobile home unit will be on Wild Boar Circle.

Griffin Powell presented to the Commissioners. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

Motion to recommend approval to City Council for the Major PUD Modification subject to staff comments

Motion made and seconded (Jeffries/Simpson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice-Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0).

5. Case No. 1203-PUD-23, Turquoise Place North PUD

Forrest Daniell & Associates PC, on behalf of October Investments LLC, requests a recommendation to City Council for a **Preliminary and Final PUD Approval** to rezone 18.5 acres located at 26303 and 26427 Perdido Beach Boulevard from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a 7-story, 90-unit condominium along with amenities and to rezone 1.2 acres located at 26302 Perdido Beach Boulevard to PUD for a 3-story, 2-unit condominium along with amenities and parking for beach access. Griffin Powell presented to the Planning Commission.

Jamie Logan, City Attorney, stated this project is in litigation and will only move forward with the closing of the land settlement with the City of Orange Beach.

Kit Alexander, Community Development Director, said the proposal is for a 6-story structure above parking at ground level. The setbacks are greater than 150 feet on the west and east sides. The large setbacks will provide greater view corridors for the houses to the east and west. There will also be a greater amount of green space than what would be provided for an RS-1 single-family residential development. The greater green space will filter a greater amount of stormwater runoff and also reduce the amount of freshwater draining into Cotton Bayou which does not flush well.

Chairman Stuart opened the public hearing.

Candace Burgin, Turquoise Place HOA Manager, stated that the HOA Board did not have time to meet on this case because they received the rezoning notification a week ago. A major concern for them is the pedestrians crossing Perdido Beach Blvd. They are also requesting the project timeline.

Nan Norris stated that she is totally against the project. She did not support the number of people that will be using this property and the increase of boat traffic. She asked about the beach mouse. Woody Speed, City of Orange Beach Environmental Specialist, stated the project will have to acquire a beach mouse permit as required by the U.S. Fish and Wildlife Service.

Geraldine Kopesky, 3425 Adams Avenue, asked what else can be built on this property. Kit Alexander stated that a single family residential subdivision can be built on this property "by-right". Geraldine Kopesky said that the City of Orange Beach has a community growth and management plan that supports protection of the air, water, and single-family residential neighborhoods. She said she does not want to look at an 82-foot tall wall. Cotton Bayou is not swimmable due to the presence of oil, suds, and other trash from boats. She also expressed concerns about persons crossing Perdido Beach Boulevard to get to the beach.

Karen Netslie, 26550 Cotton Bayou Drive, said that she thought the City acquired this property in order to build a park. She also said that she thought the City acquired the beachfront property for a public beach access. She stated that she is very much against rezoning this property and would like the Planning Commission to recommend that the property remain RS-1.

Eric Johnson, Palm Harbor HOA Board Member, said that all of the subdivision homeowners are concerned that the beach access will be eliminated. He stated that people crossing Perdido Beach Boulevard is unsafe. Asked that the City or State require an elevated walkway at the beach access location.

Britten Kopesky expressed that he is against the project.

Linda Gates said this project does not comply with the Orange Beach Comprehensive Plan. She stated that City Council promised they will not upzone properties but this rezoning allows for an increase of intensity of the property.

Pete Vallas, Sherrills Landing, expressed concerns about the proposal for ninety boat slips and the impacts this development will have on the existing habitat and vegetation.

Tem Blalock, Cotton Bayou Drive, asked that the lawsuit be settled before this property is rezoned. He expressed concern about the height of the condominium being over fifty feet and the lighting problems the building will cause. He stated he is in support of the single-family "by-right" plan.

Myer Rogers expressed concern about drainage from this development into Cotton Bayou. Kit Alexander stated that one inch of runoff from the entire site will be collected and percolated in a retention facility prior to discharging into Cotton Bayou. Chairman Stuart closed the public hearing.

Chairman Stuart asked staff about the safety concerns expressed regarding pedestrians crossing Perdido Beach Boulevard. Kit Alexander said there are three options; a Perdido Beach Boulevard tunnel, a pedestrian overpass, a signalized crosswalk. The tunnel is not economically feasible due to utilities and groundwater. An overpass is required to be over 3000 feet long due to handicap accessibility requirements. A signalized crosswalk will not be approved by the Alabama Department of Transportation because it will not be warranted by the land uses on the north and south sides of the road.

David Walker, Attorney for the City, stated there is a lawsuit associated with the city properties on the north and south sides of the road that are included within this PUD.

Commissioner Lannie Smith asked if the building on the south side would interfere with the buffer required for the existing Turquoise Place Condominium. Kit Alexander said the proposed 15-foot beach access allows for first responders to get to the beach and approval of the PUD will cause the beach access to be the buffer.

Commissioner Robertson stated this project does not benefit the City of Orange Beach and the number of boat slips and units should be decreased.

Geraldine Kopesky asked if the public could park at the beach access. Kit Alexander stated there would be no parking provided at the beach access.

Karen Nenstiel asked how the property owned by the city could be rezoned. Chairman Stuart said in the past developers do not purchase land until they are rezoned.

Karen Nenstiel asked about the wetlands on the northerly property. Wood Speed stated that a wetland delineation will be performed and the development of the property is contingent on Alabama Department of Environmental Management and U.S. Army Corps of Engineers approval of wetlands impacts.

Motion to recommend approval to City Council of the Preliminary and Final PUD, contingent on the sale and closing of the municipal land and subject to staff comments.

Motion made and seconded (Lannie Smith/Glenn Smith) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice-Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, no; Commissioner Lannie Smith, yes; Chairman Stuart, yes.
Approved (7-1).

I. SITE PLAN REVIEWS

1. Case No. 1202-SP-23, Emerald Coast Carpet Cleaning

Engineering Design Group, on behalf of Jamison Haber, requests approval of a **Site Plan Review** to construct a 3,600+ SF building that will serve as the office for Emerald Coast Carpet Cleaning. The property is located at 4395 Canal Square Lane in the General Business (GB) zoning district. Griffin Powell presented to the Commissioners.

Motion to approve the Site Plan subject to staff comments.

Motion made and seconded (Mitchell/Simpson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0).

2. Case No. 1205-SP-23, Canal Road Gas Station

Goodwyn Mills Cawood LLC, on behalf of Divyesh Patel, requests approval of a **Site Plan Review** to construct a 4,500+ SF gas station/convenience store. The property is located at 26787 Canal Road in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Amanda Thompson asked which fuel franchise will be at the location. Michael Triplett, the applicant's representative, stated it will be a Shell station.

Jean Lawrence, owner of Sam's gas station, asked when the construction will begin. Mr. Triplett stated they will be starting early spring.

M. Hawkins stated she is against the project.

Commissioner Simpson stated he has concerns about after hour deliveries. Kit Alexander, Community Development Director, stated the Canal Road widening project will be completed by late spring and the 3-lane roadway will greatly improve traffic movement in this area.

Motion made and seconded to approve the Site Plan subject to staff comments.

Motion made and seconded (Simpson/Robertson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0)

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

Griffin Powell indicated that we have two new cases in addition to the item that was deferred at this meeting.

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:57PM

Kit Alexander

Robert Stuart, Chairman

**NOTE: THESE DRAFT MINUTES HAVE NO LEGAL STATUS UNTIL APPROVED
BY THE BOARD OF COMMISSION FROM WHICH THEY ARE TAKEN**

**ORDINANCE NO. 2024-XXXXX
(CASE NO. 1108-ZT-23)**

**AN ORDINANCE AMENDING
ORDINANCE NO. 172, CITY OF ORANGE BEACH ZONING ORDINANCE,
TO ADD SECTION 5.28, STORAGE ON VACANT RESIDENTIAL LOTS**

FINDINGS:

1. To continue the protection of our residential neighborhoods and the safety, security, and beauty of the city of Orange Beach, it is necessary that the existing Ordinance be amended to clarify regulations on the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots.
2. The following proposed amendment to the City of Orange Beach Zoning Ordinance will be heard and considered by the Orange Beach Planning Commission in Public Session after the required public advertisement period.
3. The following proposed amendment to the City of Orange Beach Zoning Ordinance will be heard and considered by the City Council of the City of Orange Beach after consideration by the Orange Beach Planning Commission and after the required public advertisement period.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Ordinance No. 172, City of Orange Beach Zoning Ordinance, Article 5 is hereby amended to add Section 5.28 to read as follows:

5.28 STORAGE ON VACANT RESIDENTIAL LOTS

5.2801 Definitions

- a. Vacant Residential Lot. A lot, a lot of record, or parcel of land containing no primary use, buildings or structures and which is zoned to allow for residential structures.

5.2802 Prohibitions

- a. A vacant residential lot shall not be utilized for the storage of the following:
 - i. Automobile storage, including parking lots
 - ii. Dry storage of pleasure boats
 - iii. Building material supplies
 - iv. Contractor's storage yard for vehicles, equipment, materials and supplies
 - v. Utility storage
 - vi. Warehouse storage
- b. The offering for sale or trade of vehicles, whether or not motorized, including but not limited to motor vehicles, trailers, boats, and/or machinery on any vacant residential lot shall be prohibited.

c. Unoccupied recreational vehicles shall not be parked on a vacant residential lot.

d. No boat shall be docked at a vacant residential lot.

5.2803 Exemption

The provisions of this section may not apply to storage on a vacant residential lot if the said lot is adjoined to or abuts a developed residential lot with a principal residential structure and the lots are in single ownership or under single control.

2. That all ordinances or parts of ordinances in conflict hereto are, to the extent of such conflict, repealed; and
3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS ____ DAY OF _____, 2024.

**ORDINANCE NO. 2024-xxxxx
(CASE NO. 1108-ZT-23)**

**AN ORDINANCE AMENDING
ORDINANCE NO. 172, CITY OF ORANGE BEACH ZONING ORDINANCE,
TO ADD SECTION 5.28, STORAGE ON VACANT RESIDENTIAL LOTS**

FINDINGS:

1. To continue the protection of our residential neighborhoods and the safety, security, and beauty of the city of Orange Beach, it is necessary that the existing Ordinance be amended to clarify regulations on the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots.
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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Ordinance No. 172, City of Orange Beach Zoning Ordinance, Article 5 is hereby amended to add Section 5.28 to read as follows:

5.28 STORAGE ON VACANT RESIDENTIAL LOTS

5.2801 Definitions

- a. **Vacant Residential Lot.** A lot, a lot of record, or parcel of land containing no primary use, buildings or structures and which is zoned to allow for residential structures.

5.2802 Prohibitions

- a. A vacant residential lot shall not be utilized for the storage of the following:
 - i. Automobile storage, including parking lots
 - ii. Dry storage of pleasure boats
 - iii. Building material supplies
 - iv. Contractor's storage yard for vehicles, equipment, materials and supplies
 - v. Utility storage
 - vi. Warehouse storage
- b. The offering for sale or trade of vehicles, whether or not motorized, including but not limited to motor vehicles, trailers, boats, and/or machinery on any vacant residential lot shall be prohibited.

- c. Unoccupied recreational vehicles shall not be parked on a vacant residential lot.
- d. No boat shall be docked at a vacant residential lot.

5.2803 Exemption

The provisions of this section may not apply to storage on a vacant residential lot if the said lot is adjoined to or abuts a developed residential lot with a principal residential structure and the lots are in single ownership or under single control.

- 2. That all ordinances or parts of ordinances in conflict hereto are, to the extent of such conflict, repealed; and
- 3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS ____ DAY OF _____, 2024.



PLANNING & ZONING
COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2432
ORANGE BEACH, ALABAMA 36561



Memorandum

TO: Planning Commission

FROM: Griffin L. Powell, City Planner

CC: Kit Alexander, Community Development Director
Sean Brumley, GIS Specialist
Sherri Descalzo, Planning Coordinator
Jamie Logan, City Attorney

DATE: January 8, 2024

SUBJECT: **Case No. 1108-ZT-23**
Zoning Text Amendment
Section 5.28 – Storage on Vacant Residential Lots

1. The Community Development Department requests recommendation to the City Council for approval of a zoning text amendment to add a new section to Article 5 of the City of Orange Beach Zoning Ordinance regarding the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots.
2. The proposed amendment will add Section 5.28 to Article 5 of the City of Orange Beach Zoning Ordinance:
 - a. The first section, Section 5.2801, defines a vacant residential lot as *"a lot, a lot of record, or parcel of land containing no primary use, buildings or structures and which is zoned to allow for residential structures."*
 - b. The second section, Section 5.2802, lists the current prohibitions against storage on residentially-zoned lots. The intents of this section are to have all the prohibitions contained in one place for easier referencing and to make code enforcement more efficient.
 - c. The last section, Section 5.2803, allows for exemption if a vacant residential lot is adjoined to or abuts a developed residential lot with a principal residential structure and the lots are in single ownership or under single control.



PLANNING & ZONING
COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2432
ORANGE BEACH, ALABAMA 36561



Orange Beach Planning Commission
Meeting – January 8, 2024

Case No. 0102-SP-24
Keel Boat & RV Storage, Phase 3
Site Plan Review

Owner:
FM Holdings LLC
Mark Keel
P.O. Box 1683
Orange Beach, AL 36561
(251) 980-5000
mark.keel@yahoo.com

Applicant:
Lieb Engineering
Chris Lieb
1290 Main St., Suite E
Daphne, AL 36526
(251) 978-9779
clieb@liebengineering.com

Property Address:
27103 Canal Rd.

Tax Parcel:
05-65-02-12-0-000-050.001

PPIN:
54235

I. GENERAL INFORMATION

Request: Site Plan Review

Lieb Engineering Company, on behalf of FM Holdings LLC, requests approval of site plan review to construct a 40' by 60' open storage structure.

Location: Phase 3 will be located on the vacant property located at 27103 Canal Road between Keel Storage and CrossFit Anchor Down and Orange Beach Family Medicine (Ryan Forbess, M.D.). In July 2022 the Planning Commission approved the request for site plan review to utilize this property as an outdoor storage area for Keel Storage that is presently under construction.

Present Zoning: GB (General Business)

Present Use: Vacant

Future Land Use: Commercial Low Intensity
The purpose of this site plan review is to allow for the placement of a 40' by 60' open storage structure on the property where the outdoor storage area was previously approved. The request is consistent with the land use designation on the Future Land Use Map.

Surrounding Land Use and Zoning: **North:** Undeveloped, RS-1 (Single-Family Residential)
South: Undeveloped, MR (Marine Resort); Terry Cove Motorcoach Resort, PUD (Planned Unit Development – Terry Cove Motorcoach Resort)

East: Orange Beach Family Medicine, GB (General Business)
West: Keel Storage, CrossFit Anchor Down, GB (General Business)

Special Districts: **Overlay Zoning:** Restricted Height Overlay District
Neighborhood District: East Orange Beach
Airport Zone: Precision Instrument Approach
Flood Zone: X

Nearby Streets: This property fronts on Canal Road. There is no proposed driveway onto Canal Road. This property will have access via Keel Storage to the west.

Site History:

<i>Date</i>	<i>Description</i>
February 2016	Planning Commission approved the site plan review for a storage yard and a 2,400-SF storage building on the property west of this site. This site plan review approval expired in February 2017. (Case No. 0201-SP-22)
November 2017	Planning Commission approve the site plan review for an outside storage yard and a 2,400-SF building on the property west of this site. (Case No. 0707-SP-22)
October 2018	Planning Commission approved the site plan review for a boat and RV storage facility with 62,000 SF of paved area and four buildings with a total coverage of 40,000 SF on the property west of this site. (Case No. 1003-SP-18)
December 2019	Planning Commission approved the site plan review converting a part of one of the mini-warehouse buildings into a fitness facility for CrossFit Anchor Down and changing the exterior cladding of this building from metal to hardi board. (Case No. 1201-SP-19)
July 2022	Planning Commission approved the site plan review to expand Keel Storage to the neighboring lot to the east for an outdoor storage area. (Case No. 0704-SP-22)

II. BUILDING & SITE PLAN REVIEW

1. The applicant requests approval of site plan review to construct an open storage structure on the vacant property immediately east of Keel Storage. The proposed structure will be the third phase of the Keel Storage development. In July 2022 the Planning Commission approved an outdoor storage area on this property.
2. The open storage structure will be 40' by 60' and will have a floor area covering 2,400 SF.
3. The proposed setback to the east side lot line will be 35 feet.
4. The open storage structure will have metal roofing.
5. As for structure height, the pole heights from finished grade to the roof trusses will be 16 feet, while the building height from finished grade to the ridge will be 26 feet.

III. STAFF COMMENTS

1. The finished floor elevation of the proposed structure is required to be a minimum of one foot above the centerline of the adjacent street right-of-way. A finished floor elevation waiver may be requested during site permits review to address the significant grade change on the site.
2. All roof runoff of the proposed building must be routed to the existing onsite retention/detention pond. This may be addressed during site permits review.

IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested site plan review to construct a 40' by 60' open storage structure.
2. **CONDITIONALLY APPROVE** the requested site plan review with any conditions, limitations or requirements necessary to effectuate the requirements of the Zoning Code and carry out the spirit and purpose of the Comprehensive Plan.

Conditions of Approval:

1. The finished floor elevation of the proposed building is required to be a minimum of one foot above the centerline of the adjacent street right-of-way. A finished floor elevation waiver may be requested during site permits review to address the significant grade change on the site.
2. All roof runoff of the proposed building must be routed to the existing onsite retention/detention pond. This may be addressed during site permits review.
3. **DISAPPROVE** the requested site plan review stating the reasons the said plan was denied with specific references to those sections of applicable municipal ordinances on which the said denial was based.

V. PICTURES, MAPS & PLANS

Existing Conditions

Site Visit, View from Canal Road (January 2024)



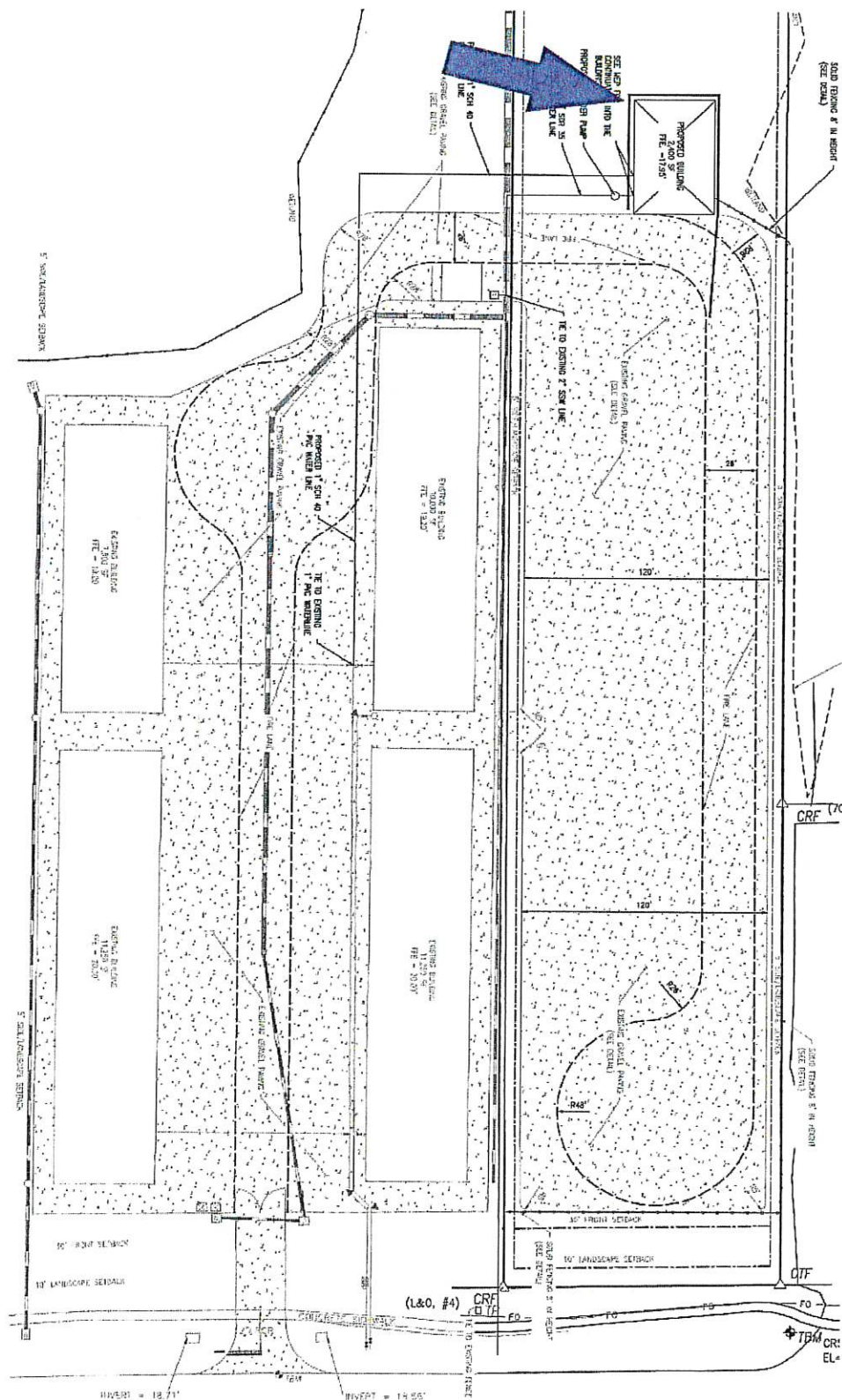
Site Visit, View from Canal Road (January 2024)



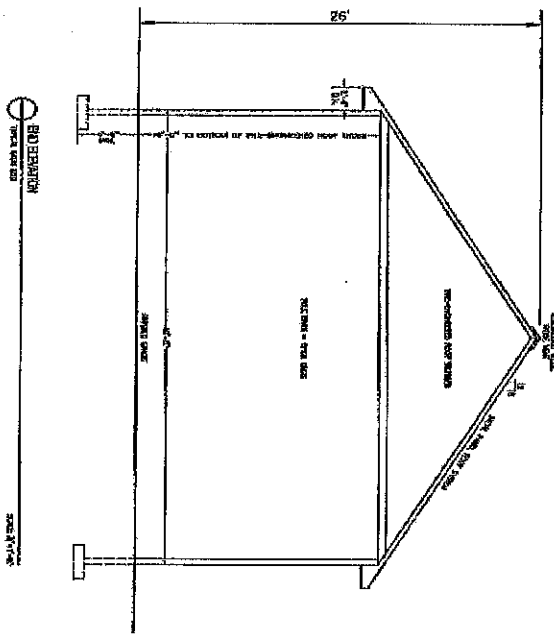
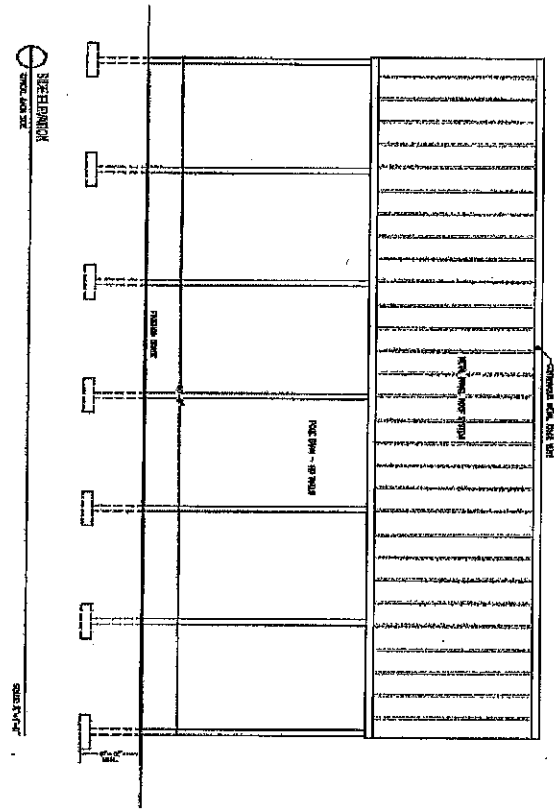
Aerial Map: Blue arrow shows the approximate location of the proposed open storage structure.



Site Plan



Open Storage Structure Elevations





Mark Keel Addition Phase 3 0102-SP-24 Aerial



0 200 400 Feet

January 2024

